



STATE OF MINNESOTA

Violent Crime Coordinating Council

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Chief Dana Waldron, Chair - Asst. Chief Ken Reed, Vice- Chair

MEETING MINUTES FOR 6/15/11/2011 OF THE VIOLENT CRIME COORDINATING COUNCIL (VCCC)

Council members in attendance: Cari Gerlicher, DOC Office of Special Investigations; Terri Vandergriff Bjerga, BCA (for Wade Setter); Sheriffs Representatives: Bill Hutton, John Kirkwood (for Matt Bostrom), and Kip Carver (for Rich Stanek); Chiefs of Police Representatives: Michael Goldstein, Tim Dolan, Mike Tusken (for Gordon Ramsey) and Ken Reed; County Attorney Representative: Hilary Caligiuri; Citizen Representatives: Manuel Guerrero and Melvin Carter; and David Voigt, Deputy Attorney General.

Guests: None

Office of Justice Program staff: Bob Bushman- Statewide Coordinator, Sue Perkins - State Program Administrator. **Legal Counsel:** John Gross, Attorney General's Office –excused

Welcome and Introductions

Introductions followed by the meeting being called to order at 10:05 a.m. by Vice-Chair Ken Reed.

Meeting materials included: agenda, 4/13/11 meeting minutes, List of 2010-2011 grants, task force monitoring form for 2011, article entitled "The Economic Impact of Illicit Drug Use on American Society", handout listing current gang criteria and documentation requirements, and various materials from the SF2725 workgroup.

Action on 4/13/11 meeting minutes: motion and second to approve with no changes. Motion passed.

Action on 6/15/11 agenda: motion and second to approve with no changes. Motion passed.

Legislative Update

Perkins reported on what was in the Governor's OJP budget vs. what was in the budget passed by the Legislature that was then vetoed by the Governor. She explained that that OJP currently has about \$4.4 million/year for grants from state funds. This is a reduction from SFY 09 (period of 7/1/08 – 6/30/09) when we there was approximately \$5.3 million. OJP uses about .5 million/year in federal JAG funds but the entire current year's award was used for the first 6 months of this year so as not to sharply cut grants. If the final budget appropriation is reduced 35% for SFY 12, task forces would encounter a total cut of \$900,000 for the last six months of CY 11 or about a 40% cut. She further explained that the Commissioner will likely need to make decisions on how any potential cuts may be assigned to various OJP programs in the absence of budget guidance from the Legislature.

Perkins reported that most task forces will have used their current funds by 6/30/11, but they plan to continue to operate in the short term with local resources and state funds in the hope that a budget will be passed and additional funds awarded. The potential shutdown of state services was discussed and how

that could impact Grantees need for reimbursement. Bushman indicated that while most task forces could survive with reduced funding for a little while, it was his assessment that about 1/3 of task forces would be ok for 6 months, 1/3 would be OK for about a year and 1/3 would have to fold before too long.

DPS Updates

- Perkins reported that the Byrne/JAG appropriation to the state was reduced about 19% for FFY 11 and Bushman said that the view in Washington is that there could be further cuts, if not program elimination for much of the support provided to local law enforcement.
- Perkins spoke about the grant funding provided to the BCA for some reimbursement to locals that incur costs associated with the removal of contamination from meth lab sites.
- Perkins and Bushman describe the task force monitoring protocol for 2011 and referred the council to the reporting form contained in their packet.

Updates from the Statewide Coordinator

Bushman handed out a presentation entitled “Minnesota Gang Trends” that he prepared with information supplied by task force commanders and gang officers. Guerrero noted that the information indicates that there is an over-representation of minority individuals participating and it is important to address the root causes of this.

Bushman reported that he has:

- Worked with the MPCA to discuss a plan for LE agencies to be able to dispose of seized pharmaceuticals and illegal drugs.
- Completed the first two site visits.
- Facilitated the final Top Gun training in Mankato (sessions had previously been held in the twin cities and Bemidji) with one additional session to be scheduled for the metro area in the fall. He reported that the feedback has been very positive.
- Informed task forces about the DEA 2 week school and training opportunities at MCTC now that it is back up and running.
- Monitored RISSafe use and results. He noted that MPD is now using the system throughout most of their investigative units and that visits to task forces show compliance with the requirement to use the system. About 15% of the operations produce conflicts and most of them are location conflicts.
- Traveled to Wisconsin to meet with personnel there about how ACCISS supports task forces and how the gang module is used. He reported that one of the important things he learned from Wisconsin was the importance of having a dedicated system administrator to establish policy and procedure, implement changes as needed, monitor access and use. The absence of such a person in Wisconsin created a number of misunderstandings and strained relationships.

COMMITTEE REPORTS

Professional Standards

Committee is reviewing current Guidelines Manual and hopes to have proposed changes drafted and sent out to members prior to the August meeting so that the changes can be discussed and an updated version adopted at the next meeting. The bulk of the manual will remain unchanged, with changes focused on forfeiture and impartial policing sections.

Governance and Legislative Committee – no meeting, no report

Audit Committee – no meeting, no report

Data Criteria and Data Sharing Committee:

The committee met and discussed the current status of GangNet and the Pointer File and what the future might look like. There was some agreement of the following: (1) any gang database is best housed at the state, specifically at the BCA, (2) the ACCISS gang module is probably the best answer, (3) the legislature will likely need to approve of whatever is decided, (4) there will be a cost to implementing a new system and the amount needed and source of funds is unknown, (5) that privacy experts want one database that is audited and purged appropriately with no hidden databases, and (6) relevant data that currently exists should be a part of the new system.

The committee believes that establishing gang criteria and designing a new system to track the information is beyond the scope of the committee and that the full council will need to work on this issue. It was also noted that moving forward will require knowing the position of Commissioner Dohman and the new superintendant of the BCA, Wade Setter. Chief Goldstein agreed to contact Superintendant Setter to make inquiries in this regard.

Vandergriff commented about how the licenses work and that there were programming options to limit individuals staying on the system indefinitely. She noted the BCA's satisfaction with ACCISS and how they utilize the case management module. She noted that currently they have an agent handling the administrative needs for the system, but that he would be unable to assume additional responsibilities related to local jurisdictions utilizing ACCISS for case management or gang tracking. Gerlicher spoke to how the DOC staff decided to use ACCISS and what the added costs were to incorporate her staff.

NOTE: Mr. Carter asked to serve on this committee. This topic then moved into the next agenda item.

Discussion of the Establishment of Gang Criteria

Reed indicated that the materials sent out with the agenda were important for members to understand the work and recommendations of the SF2725 Committee. Members should make note of the website where the committee materials are housed: <https://dps.mn.gov/divisions/bca/Pages/sf2725.aspx>

Prior to discussing the criteria, the group discussed the status of the current GangNet system housed at the Ramsey County Sheriff's Office. Kirkwood noted that currently there are not many individuals entering data, but that more individuals search the data. For example, DOC investigations staff is not entering data, but they do use the data, particularly within their Fugitive Apprehension Unit. Although the GangNet data is being audited and purged, information from GangNet is no longer populating the Pointer file. Kirkwood stated that the RCSO would like to suspend GangNet effective July 31, 2011. It was agreed that the chief's and sheriff's association would be asked to solicit their member's input as to whether or not the suspension of GangNet would pose any problems for local agencies. It was agreed that Ramsey County Chief Deputy John Kirkwood would contact the associations to ask them to solicit that information.

Discussion ensued on how to go about adopting gang criteria. It was noted that the VCCC statute requires input by the public. Some members pointed out that it was a good time to review criteria as the nature of gangs has changed somewhat with the rise of hybrid gangs and individuals now involved with more than one gang in the furtherance of criminal activity. Others commented that the focus is no longer on identification of individuals as gang members, but more so on behavior that results in violent crime. Dolan pointed out that law enforcement experts such as members of task forces and gang units would be useful in establishing relevant criteria.

It was agreed that:

- Law enforcement experts and community expert representatives would be invited to an evening meeting of the VCCC to make a specific presentation to the council on specific changes needed to the existing criteria. Presentations would be limited to a specified period of time (12 minutes) with a specific time made available for council members to ask questions of those presenting. The target date for such a meeting is September. The list of invited presenters would be generated by reviewing those experts presenting to the SF2725 workgroup. Members noted the importance of including Julie Barrows, Professor Levy-Pounds, and a representative of the NAACP.
- Task Force and gang unit representatives would be invited to submit their thoughts to the council on specific changes needed to the existing criteria.
- At the conclusion of above, the VCCC would prepare a proposed list of criteria for use in determining whether individuals are or may be members of gangs involved in criminal activities.
- The proposed criteria would be published and a procedure and time period for written comments to be submitted would be established.
- VCCC members would then review written comments and finalize established gang criteria for approval and implementation.

AC Reed, members of the Data Criteria and Data Sharing Committee and OJP staff will develop a work plan to accomplish the task.

Development of a Statewide Strategy

Reed reminded the group that the primary duty of the council is to “develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota. He suggested the process for developing the strategy needs to start soon. Gerlicher commented that this should be completed prior to the 2012 legislative session in the event that legislative action is required to implement the strategy. Many pointed out that this is a good time to have a strategic plan given shrinking resources and changes in criminal methods and the individuals and groups to be targeted.

It was agreed that it would be best to address a strategy using a facilitator within a retreat setting. A retreat would involve hearing presentations from state and perhaps national subject matter experts and then using that information to craft a strategy. Dan Moren of the DEA was mentioned as an important resource for this process. Reed and Kirkwood agreed to reach out to the DEA. OJP said that funding for a facilitator could be available once a budget is passed. Several members made suggestions of facilitators that might be appropriate. Members should get names of suggested facilitators to AC Reed and Reed and OJP staff will begin to plan for the strategy retreat. A plan will be provided to members at the August meeting.

New Business

Next meetings will be on Wednesday, August 10, 2011 at the DOC from 1000 hours to 1300 hours. No other new business identified.

Meeting Adjourned at 12:40 p.m.

Respectfully Submitted By: Sue Perkins, OJP